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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,607	12/29/2003	Francois-Xavier Drouet	FR920030014US1	6493
23550 7590 06/29/2007 HOFFMAN WARNICK & D'ALESSANDRO, LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207			EXAMINER NGUYEN, VAN KIM T	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 06/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/747,607	Applicant(s) DROUET ET AL.	
	Examiner Van Kim T. Nguyen	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>None</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to communications filed on December 29, 2003.

Claims 1-4 are presented for examination.

Claim Objections

2. Claims 1-4 are objected to because of the following informalities:

Claims 1-2 recite the limitations "Data transmission system ---" and "Method for obtaining data ---", respectively. It should be changed to "A data transmission system ---" and "A method for obtaining data ---".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "--- one of the proxies being a user proxy to which is addressed the request sent by the user". It is not clear what the claim is reciting, however, in the interest of advancing prosecution, examiner will read it as "--- one of the proxies being a user proxy which addresses the request sent by the user".

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Claim 2 recites the limitation “has not stored” in line 15, and similarly, claim 4 recites the limitation “does not include” in line 3. The terms “has not stored” and “does not include” are negative depository terms which render the claims indefinite. The terms are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Calo et al (US 7,127,492), in view of Ebata et al (US 6,513,061).

Regarding claim 1, Calo discloses a data transmission system comprising at least a data transmission network (101) based upon an IP protocol; at least a content server (104) for providing data requested by a user (102, 103) connected to the network; a plurality of proxies (105, 106) having a cache function (701-709); each proxy capable of having stored the requested data and one of the proxies being a user proxy which addresses the request sent by the user (col. 1: line 55 – col. 2: line 2, and col. 5: line 65 – col. 6: line 17).

However, Calo does not explicitly call for a domain name server.

Ebata teaches a domain name server (4, 5, 6) for converting a server name provided by the user to the user proxy into an IP address of the content server (col. 7: lines 34-64);

wherein the domain name server includes table means (625) for providing an IP address of a proxy amongst the proxies capable of having stored the requested data, the table means providing the proxy IP address to the user proxy whereby the requested data can be provided to the user by the proxy storing the requested data without requesting the data from the content server (e.g., DDNS server 6 refers to the SPS information list 625 which includes the IP addresses and load conditions of each SPS servers and notify the NC3 the IP address of the SPS provided with the most approximate access environment to the NC3; col. 11: lines 16-64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Ebata's teaching in Calo's system, in order to curtail loads burdened on the network and a server and provide a comfortable working environment to each client.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Calo, in Li et al (US 6,854,018).

Regarding claim 2, Calo discloses a method for obtaining data in an optimized way in a data transmission system comprising at least a data transmission network based upon an IP protocol (101); at least a content server (104) for providing data requested by a user (102, 103) connected to the network; a plurality of proxies (105, 106) having a cache function (701-709), each proxy capable of having stored the requested data and one of the proxies being a user proxy to which is addressed the request sent by the user (col. 1: line 55 – col. 2: line 2, and col. 5: line 65 – col. 6: line 17).

However, Calo does not explicitly call for a domain name server.

Li teaches a domain name server for converting a server name provided by the user to the user proxy into an IP address (col. 2: lines 6-11), the method including the steps of:

a) looking for an entry of a table stored in the domain name server corresponding to the server name when the user proxy has not stored the data requested by the user (e.g., if the desired object is not in cache 30, proxy server 28 will send requests to appropriate web sites to fetch the objects. Obviously proxy server 28 only can redirect the requests after look-up domain name of that appropriate web site; col. 2: lines 25-31), and

b) determining, when there is such an entry in the table, whether the entry includes an address of a proxy amongst the plurality of proxies (col. 9: line 8 – col. 10: line 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Li's teaching in Calo's system, in order to curtail loads burdened on the network and a server and provide a comfortable working environment to each client.

Regarding claim 3, Calo-Li also discloses:

c) returning the proxy IP address to the user proxy if such a proxy IP address is included in the entry corresponding to the server name (Calo, col. 4: lines 58-67), and

d) sending the user request from the user proxy to the proxy IP address included in the entry (e.g., redirect requests to appropriate proxy server; col. 5: lines 1-15).

Regarding claim 4, Calo-Li also discloses determining whether the user proxy is a known proxy when the entry in the table does not include the address of a proxy, the user proxy being a

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known proxy when it is contained in a list of proxies provided to the domain name server at an initialization of the system (Li: col. 2: lines 25-31 and col. 9: line 8 – col. 10: line 40).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

System and Method for High-Performance Delivery of Web Content Using High-Performance Communication Protocol between the First and Second Specialized Intermediate Nodes to Optimize a Measure of Communications Performance between the Source and the Destination, Grove et al (US 6,820,1330);

Content Delivery and Global Traffic Management Network System, Swildens et al (US 6,754,699);

Dynamic DNS Registration Method, Domain Name Solution Method, DNS Proxy Server, and Address Translation Device, Yoshimoto (US 2005/0021841).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

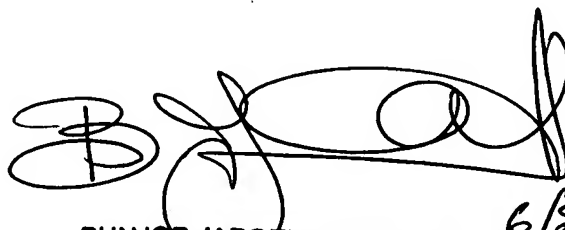
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Van Kim T. Nguyen
Examiner
Art Unit 2152

vkn


BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER
6/25/7